

PD-0498-17

**IN THE COURT OF CRIMINAL APPEALS
FOR THE STATE OF TEXAS**

FILED
COURT OF CRIMINAL APPEALS
9/22/2017
DEANA WILLIAMSON, CLERK

WILLIAM ROGERS,

APPELLANT,

v.

STATE OF TEXAS,

APPELLEE.

***FIRST AMENDED MOTION FOR EXTENSION OF TIME
TO FILE APPELLANT'S BRIEF***

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

COMES NOW, APPELLANT, WILLIAM ROGERS, by and through his court appointed counsel, and files this motion to request that the time for filing Appellant's Brief in this cause be extended by 31 days to October 23, 2017, and as reasonable explanation for the extension, would show the following:

I.

Appellant's PDR was granted on August 23, 2017. Appellant's response is due on, or about, September 22, 2017.

II.

The facts recited in this motion are apparent in the record, known to the Court, or are within the undersigned's personal knowledge and are true and correct.

This extension is not sought for purposes of delay. The undersigned, was Appellant's court appointed attorney for direct appeal and filed a PDR to this Honorable Court of Criminal Appeals *pro bono* and will continue to represent him through this discretionary review *pro bono*. Appellant's counsel requests that Appellant be granted an additional 31 days to file Appellant's Brief on the Merits.

Appellant's counsel is located within the impacted areas of Hurricane Harvey specifically, Goliad County and Victoria County. Due to loss of power and other hurricane related issues, the briefing was delayed and will not be completed by September 22, 2017. The hurricane caused a backlog in briefing to this Court and the Court of Appeals; the undersigned has been attempting to catch up since. Among the briefing that Appellant's counsel has been working on includes PD-0324-17; *State of Texas v. Martinez* filed in this Court of Criminal Appeals on, or about September 21, 2017.

Also, a cancer diagnosis for the undersigned's father was confirmed September 20, 2017. During the last thirty days and up until Wednesday of

this week, the undersigned has assisted his father to attend doctor's appointments and testing to confirm the diagnosis. Follow up for treatment options after this diagnosis will continue next week and the undersigned will continue to assist his father.

Due to these unanticipated issues, Appellant's counsel respectfully requests that the Court of Criminal Appeals allow the additional 31 days to complete the briefing in this matter and allow Appellant to continue this appeal.

III.

There has been no previous request for extension.

IV.

The undersigned does not know whether the State is opposed to this request. The undersigned will confer with the State and update the Clerk of this Court.

WHEREFORE, Appellant requests that this Honorable Court of Criminal Appeals extend the time for filing Appellant's Brief, and for such other, and further, relief to which the undersigned is justly entitled.

Respectfully submitted,

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ATTORNEY FOR APPELLANT
WILLIAM ROGERS

CERTIFICATE OF SERVICE

This is to certify that a true, correct and complete copy of the foregoing instrument has been served to the attorney(s) in this cause on the 22nd day of September, 2017.



Luis A. Martinez

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